

EXHIBIT 1

INTRODUCTION

Respondent, Michael Sauerbrun, is a planning commissioner for the City of San Bernardino. He assumed office on April 17, 2000. As a Planning Commissioner, Respondent is required to file an annual Statement of Economic Interests (hereinafter “SEI”) disclosing his economic interests.

As required by the Political Reform Act (hereinafter the “Act”)¹ planning commissioners must file an annual SEI by April 1st of each year (unless April 1st falls on a Saturday, Sunday, or official holiday, in which case the filing deadline is extended to the next regular business day).² On the SEI, the planning commissioner must disclose the reportable economic interests that he or she held during the preceding calendar year.

In this matter, Respondent failed to timely file a 2000 annual SEI by the April 2, 2001 due date.

The Enforcement Division handled this case on an expedited basis under the SEI Expedited Procedures adopted by the Commission in July of 1999.

For the purposes of this Stipulation, Respondent’s violation is stated as follows:

COUNT 1: As a planning commissioner for the City of San Bernardino, Respondent failed to timely file a 2000 annual statement of economic interests, by April 2, 2001, in violation of Section 87203.

SUMMARY OF THE LAW

An express purpose of the Act, as set forth in Section 81002, subdivision (c), is to assure that the assets and income of public officials, which may be materially affected by their official actions, be disclosed, so that conflicts of interest may be avoided.

In furtherance of this purpose, Section 87200 specifies that the disclosure requirements of Section 87200 *et seq.* are applicable to certain officeholders. Among those officeholders are planning commissioners. Section 87203 requires that all officeholders specified in Section 87200 file an annual statement of economic interests, disclosing all reportable investments, business positions, interests in real property and income. Pursuant to Regulation 18723, subdivision (b), the officeholder must disclose on the annual SEI his or her reportable economic interests held during the preceding calendar year. Regulation 18723, subdivision (b)(2) provides that a planning commissioner is required to file the annual

¹ The Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18109 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

² Regulation 18116.

SEI by April 1st of each year. However, under Regulation 18116, if April 1st falls on a Saturday, Sunday, or official holiday, then the deadline is extended to the next regular business day.

SUMMARY OF THE FACTS

Respondent has been a planning commissioner for the City of San Bernardino since April 17, 2000. As a planning commissioner Respondent is required to file annual SEIs no later than April 1st, for each year that he serves as a planning commissioner.

On April 4, 2001, Rachel G. Clark, City Clerk for the City of San Bernardino, sent a certified letter to Respondent, advising him that his 2000 annual SEI was due April 2, 2001, and had not been received. Bonita Kwong of the Fair Political Practices Commission's Technical Assistance Division sent a second letter to Respondent on May 21, 2001, advising him that his 2000 annual SEI was past due and to file immediately. On June 26, 2001, Ms. Kwong sent Respondent another letter, advising Respondent that his 2000 annual SEI still had not been filed. When Respondent did not respond to this second letter, Ms. Kwong referred the matter of Respondent's failure to file a 2000 annual SEI to the Enforcement Division of the Fair Political Practices Commission.

On August 7, 2001, Investigator Bonnie Swaim of the Enforcement Division spoke with Respondent by telephone, and reminded him that his 2000 annual SEI remained past due. Respondent stated that he believed he had met his filing obligation, as he had filed amendments to his assuming office SEI in November of 2000, and there were no changes in his economic interests. When informed by Investigator Swaim that he was still required to file an annual SEI, Respondent immediately filed the statement.

CONCLUSION

This matter consists of one count of violating Section 87203, which carries a maximum administrative penalty of Five Thousand Dollars (\$5,000). However, under the SEI Expedited Procedures adopted by the Commission in July 1999, the approved administrative penalty for an individual who files a delinquent SEI within 30 days of being contacted by the Enforcement Division is between Two Hundred and Three Hundred Dollars (\$200-\$300).

The facts of this case justify imposition of the agreed upon penalty of Two Hundred Dollars (\$200).